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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,749	05/22/2000	William P. Alberth Jr.	CS10614	1184

7590 10/13/2004

Motorola Inc
Intellectual Property Dept(BMM)
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Libertyville, IL 60048

EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/575,749	Applicant(s) ALBERTH JR. ET AL.	
	Examiner Kyung H Shin	Art Unit 2143	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

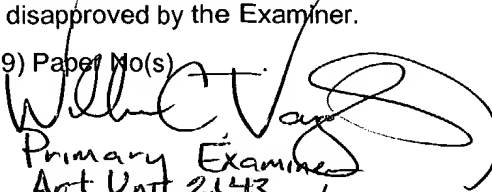
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☐ Other: _____


 Primary Examiner
 Art Unit 2143
 William C. Vaughn, Jr.

Continuation of 5. does NOT place the application in condition for allowance because:

The after final remarks submitted by the applicant's representative have been reviewed but are not considered fully persuasive. The reference provides the basis for rejection of the applicant's addressed limitation on independent claims 1, 8, 14. Claims 1, 8, 14 state that card A and card B must be operatively coupled for access. When the authorization level (i.e. transfer data) is split between card A and card B (see col. 12, lines 45-48), it is implied that the two IC cards must be operated together, operatively coupled, in order for access which is possible only when the two devices (card A and card B) are operatively coupled.

The reference provides the basis for rejection of the applicant's addressed limitation on independent claim 1. Claim 1 states that data transfer to a third card is possible only when first and second cards are operatively coupled. For example, card A is authorized to transfer data from card A to card C. If the authorization level for card A is split between card A and card B, then data transfer between card A and card C can only occur when card A and card B are operated together, operationally coupled.

The reference provides the basis for rejection of the applicant's addressed limitation on independent claim 8. Claim 8 states that user data for card A must be duplicated on card B. The reference states that data can be copied (duplicated) from card A to card B (see col. 12, lines 24-28) based on access restrictions such as being operationally coupled. For example, Card A has data that is copied (duplicated) onto Card B.

The reference provides the basis for rejection of the applicant's addressed limitation on independent claims 1, 8, 14, 18. Claims 1, 8, 14, 18 state that an encryption key mechanism is used to protect user data. The reference states that data can be encrypted to protect user data (see col. 19, lines 56-59) based on access restrictions such as being operationally coupled. Hence, after reconsideration, the application is not in condition for allowance.

KHS